

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PETER ALLEN, *et al.*

Plaintiffs,

-VS.-

CARL KOENIGSMANN, *et al.*

Defendants.

ORDER TO PRODUCE

19-cv-8173 (LAP)

ECF

**TO: Bryan Hilton, Superintendent
Mid-State Correctional Facility
9005 Old River Road
Marcy, New York 13403**

WHEREAS Rafael Montanez DIN# 13A0436 is a class member in the above-captioned matter;

WHEREAS Mr. Montanez is currently in custody at Mid-State Correctional Facility in Marcy, New York; and

WHEREAS Mr. Montanez's testimony is needed for a trial in the above-captioned matter; and

WHEREAS Mid-State Correctional Facility has already been ordered to reserve the video conferencing equipment for August 8, 2023; and

NOW THEREFORE, IT IS ORDERED that the SUPERINTENDENT OF MID-STATE CORRECTIONAL FACILITY produce Rafael Montanez on August 8, 2023 at 2:00pm until his testimony is complete and/or the day's proceedings have ended; and

IT IS FURTHER ORDERED that Mr. Montanez must be allowed to participate in the video proceeding in a privileged and confidential manner; DOCCS personnel must allow him to bring any legal papers Mr. Montanez has been sent by his counsel and he shall be allowed to testify without the presence of any third parties in the room, unless bona fide safety and security issues necessitate the presence of a member of DOCCS' personnel.

Dated: July 24, 2023

So ordered: _____


LORETTA A. PRESKA, U.S.D.J.